

REMARKS

In the aforementioned Office Action, the Examiner rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Hawley, (U.S. Patent No. 166,004) in view of Chisholm et al. (U.S. Patent No. 1,069,854).

It is respectfully submitted that amended claim 6 is now clearly and patentable distinguished over Hawley in view of Chisholm et al.

To be more specific, Hawley relates to a water wheel wherein the wheel is turned by the flow of water striking the veins in the wheel while Chisholm et al. refers to a meter wheel wherein the wheel is rotated by a flow of fluid striking the veins of the wheel. Neither of the wheels of Hawley or Chisholm et al. are effective for thoroughly mixing paint or the like in a receptacle without flowing through it.

By contrast, amended claim 6 now calls for “a shank having a first end and a second end and wherein said first end is constructed and dimensioned to fit into a chuck of an electric drill for rotation thereby and said second end extends through said central bore to said circular disc and is attached to said circular disc.” Thus, it is clear that Applicant’s claim a Stirrer for mixing paint or the like and wherein the Stirrer is rotated to mix ingredients in a receptacle as opposed to measuring the flow of a fluid in a moving stream. In other words, Applicant’s Stirrer acts in the opposite way of a water wheel that measures flow. Accordingly, it is Applicant’s contention that amended claim 6 is patentably distinguished over the cited art and should be allowed.

The amendatory material is clearly shown in Figure 4. Accordingly, no new matter has been entered.

In addition, Applicants call for flat rectangular shaped upwardly and downwardly extending blades as opposed to the curved blades of Chisholm et al. Further, Applicant’s blades extend beyond the disc as opposed to the blades of Chisholm et al. Applicant’s claim also calls for “whereby a liquid that is stirred by the stirrer enters from gaps between two adjacent blades around the circular disc and discharges upwardly and downwardly away from the circular disc. In the cited art there is no mixing. Accordingly, it is Applicant’s contention that amended claim 6 should be allowed.

The further amendment to claim 6 is clearly supported by the Specification on page 4, lines 20 and 21.

The Hawley reference relates to a water-wheel merely for drawing water, and the Chisholm et al. reference relates to a meter-wheel used as turbine water meter merely for measurement of viscosity fluids.

However, both the cited references do not disclose or suggest the direction of water flow caused by the present invention which can stir and mix the liquid. Further, the present invention is mainly used in a bucket filled with liquid, and when paint is added into the bucket, the firstly formed mixture of the paint and liquid will flow into the interstices between the blades and flow off respectively from the up and lower ends of the blades, such that the flow-off mixture will mix with other liquid in the bucket to adequately mix the paint and the liquid in the bucket.

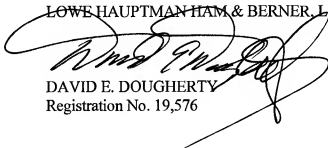
Besides, the water-wheel of Hawley reference and the meter-wheel of Chisholm et al. reference are used in an open space but not in a bucket, and the water being drawn by the water-wheel or flowing through the turbine water meter is not mixed with the original-filled in water again. Obviously, both the cited references do not have effect of mixing and stirring liquid. Moreover, the specifications of both the cited references also do not disclose or teach the object of stirring and mixing liquid by each structure thereof.

In view of the above it is Applicant's contention that amended claim should be allowed. Accordingly, prompt favorable action is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

A large, stylized handwritten signature in black ink, appearing to read 'David E. Dougherty', is written over the printed name and registration number.

DAVID E. DOUGHERTY

Registration No. 19,576

USPTO Customer No.  
1700 Diagonal Road, Suite 300  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: December 11, 2008  
DED/EEM